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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,924	08/20/2001	Jeffery M. Zaleski	212691	5503

23460 7590 08/05/2003

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EXAMINER
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FORD, JOHN M

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. <u>09/913924</u>	Applicant(s) <u>Zaleski</u>
Examiner <u>J. M. Ford</u>	Group Art Unit <u>1624</u>

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on June 11, 2003
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-- 116 is/are pending in the application.
- Of the above claim(s) 2-4, 2--36 and 4--116 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1 is/are rejected.
- ☐ Claim(s) 5-7, 37-40 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

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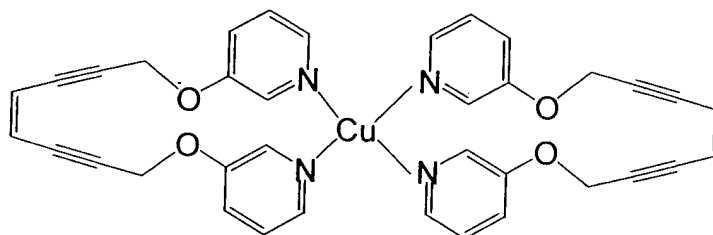
Applicants' response of July 11, 2003, is noted.

Applicants elected claims 1—40, without traverse.

Therefore, claims 41—116 stand withdrawn under 37 CFR 1.142 (b).

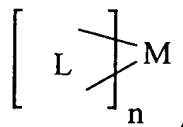
Figure Drawing Sheet 7 is blurred, and indefinite; cols. 3 and 5 have double bars.

Applicants further elected the species.



The following claim 1 is considered a reasonable extension of that species to a genus.

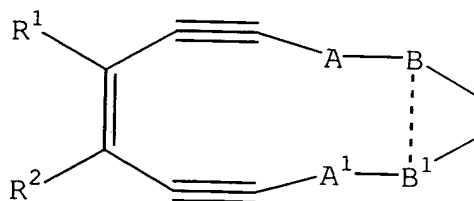
1. A compound of the formula:



wherein M is a metal selected from the group consisting of Ti, V, Mn, Fe, Co, Ni, Cu, Zn, Ga, Tb, Eu, Gd, Dy, Lu, Zr, Nb, Mo, Te, Ru, Rh, Pd, Ag, Sn, Ta, W, Re, Os, Ir, Pt, and Au;

n is an integer from 1-3;

L is a ligand of the formula:



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wherein A and A1 are the same or different and each is independently (CR12R13)<sub>n</sub>, wherein m is an integer from 0 to 6 and wherein R12 and R13 are the same or different and each is hydrogen, halogen, nitro, cyano, azido;

B and B1 are the same or different and each is a nitrogen-, oxygen-, or sulfur-capable of complexing with M, wherein the dotted line between B and B1 represents an optional covalent bond linking B and B<sup>1</sup> together;

R1 and R2 are the same or different and each is independently a hydrogen, a linear or branched alkyl, an aralkyl, an aryl, a halogen, a nitro, or a cyano, or R1 and R2 together with the carbons to which they are bonded comprise an aryl; wherein when n is 1 or 2.

Claims 2—4 stands withdrawn as being outside a reasonable extension of the elected species.

Claims 5—7 would appear acceptable, but are only objected to as dependent on a non-allowable claim.

The terms removed from the pending claim 1 do not meet 35 U.S.C. 112, 1<sup>st</sup> or 2<sup>nd</sup> paragraph, or are outside the invention elected.

Claims 8—36 include compounds outside a reasonable extension of the elected species. Therefore, they stand withdrawn.

Claims 37—40 are objected to only as being dependent on a rejected claim.

No 1449 can found upon which to indicate consideration of the art in the file.

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No "Abstract" can be found.

John M. Ford: jmr

July 31, 2003

A handwritten signature in cursive script, reading "John M. Ford".

**JOHN M. FORD**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script, reading "John M. Ford".